

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

GREGORY G. JONES,

Plaintiff,

v.

NICOLE GREEN, et al.,

Defendants.

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No. 1:17-cv-146-RWS

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Plaintiff, a prisoner, commenced this civil action on August 28, 2017, and filed a motion for leave to proceed *in forma pauperis*. The Court granted the motion and conducted initial review, and determined that the complaint failed to state a claim for relief against any of the named defendants. In an Order dated February 8, 2018, the Court fully explained why the complaint was subject to dismissal, and gave plaintiff an opportunity to submit an amended complaint. The Court cautioned plaintiff that his failure to timely file an amended complaint would result in the dismissal of his case without further notice. On March 1, 2018, mail that the Court sent to plaintiff was returned, and on that same date, the Court's February 8, 2018 Order was resent to plaintiff at his new address.

Plaintiff's response was due to the Court on March 12, 2018. To date, however, he has neither filed an amended complaint, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to respond in consideration of the fact that the February 8, 2018 Order had to be resent to him. Therefore, this action will be dismissed without prejudice due to plaintiff's failure to prosecute his case and his failure to comply with

this Court's February 8, 2018 Order. Fed. R. Civ. P. 41(b), *see also Slack v. McDaniel*, 529 U.S. 473, 489 (2000) (the failure to comply with an order of the court is grounds for dismissal); *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order); *Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (*per curiam*) (affirming dismissal without prejudice where *pro se* plaintiff failed to file an amended complaint despite being cautioned that dismissal could result from failure to do so).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 26th day of March, 2018.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE